IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

Crl.MC.No. 1611 of 2007()

CC.847/2006 of JUDL.MAGISTRATE OF FIRST CLASS, KAYAMKULAM

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PETITIONER/COUNTER PETITIONER

REMANI, W/O.PAUL RODRINGS,
SHINE DALE, CHAPPANA VADAKKUM MURI,
CLAPPANA VILLAGE.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS/COMPLAINANT

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1. SURENDRA PANICKER,
S/O.NEELAKANTA PANICKER, ANU BHAVANAM,
RAMAPURAM MURI, KEERIKKADU VILLAGE.

2. THE STATE OF KERALA, REPRESENTED
BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.1611 of 2007

Dated this the 29th day of May, 2007

ORDER

Petitioner faces indictment in a prosecution under Section 138 of the Negotiable Instruments Act. She claims to be aggrieved by Annexure-IV order. Under Annexure-IV order, the learned Magistrate, notwithstanding the opposition of the petitioner had granted leave to the complainant to correct the complaint. The date of the cheque shown as 25.08.2006 was permitted to be corrected and shown as 27.08.06. The learned Magistrate satisfied himself that it was only an error and permitted correction on payment of cost of Rs.500/-. The learned Magistrate felt that correction of such an obvious inconsequential mistake which had crept into the complaint is permitted by the dictum in **Ninan v. Rufus Olivero** [1994(2) KLT 984].

2. I do not find any failure of justice as to justify the invocation of the extraordinary inherent jurisdiction under Section 482 Cr.P.C in favour of the petitioner. This Crl.M.C is, in these circumstances, dismissed. I may hasten to observe that the dismissal of this petition will not in any way fetter the rights of the petitioner to raise all appropriate, relevant and necessary contentions before the learned Magistrate in the course of the trial.

(R.BASANT, JUDGE)

rtr/-